

# **EXHIBIT D**

## JP Perry

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**From:** Stephen Mc Quade <SMcQuade@pittalaw.com>  
**Sent:** Tuesday, March 7, 2023 2:20 PM  
**To:** Thomas A. Kissane; JP Perry; NYC Law Protest Team; PBALitigationTeam; Marykate Acquisto; aquinn@quinnlawny.com; anthony.coles@dlapiper.com  
**Cc:** Payne Litigation Team  
**Subject:** RE: In re 2020 NYC Policing - Payne Second Amended Complaint

Confirming consent on behalf of the DEA.

Apologies for the delayed response.

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**From:** Thomas A. Kissane <TKissane@schlamstone.com>  
**Sent:** Tuesday, March 7, 2023 10:53 AM  
**To:** 'JP Perry' <jperry@nyclu.org>; NYC Law Protest Team <NYCLawProtestTeam@law.nyc.gov>; PBALitigationTeam <PBALitigationTeam@schlamstone.com>; Marykate Acquisto <macquisto@quinnlawny.com>; aquinn@quinnlawny.com; Stephen Mc Quade <SMcQuade@pittalaw.com>; anthony.coles@dlapiper.com  
**Cc:** Payne Litigation Team <PayneLitigationTeam@nyclu.org>  
**Subject:** [EXTERNAL] RE: In re 2020 NYC Policing - Payne Second Amended Complaint

Confirming our consent on behalf of PBA.

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**SCHLAM STONE & DOLAN LLP**

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**From:** JP Perry <jperry@nyclu.org>  
**Sent:** Tuesday, March 7, 2023 9:52 AM  
**To:** NYC Law Protest Team <NYCLawProtestTeam@law.nyc.gov>; PBALitigationTeam

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aquinn@quinnlawny.com; Stephen Mc Quade <SMcQuade@pittalaw.com>; anthony.coles@dlapiper.com  
**Cc:** Payne Litigation Team <PayneLitigationTeam@nyclu.org>  
**Subject:** RE: In re 2020 NYC Policing - Payne Second Amended Complaint

Counsel,

Since Amy was out last week, I am recirculating this email requesting the City and Unions' consent to filing the Proposed Second Amended Complaint in the *Payne* case.

Thanks,  
JP

**JP Perry**  
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New York Civil Liberties Union  
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**From:** JP Perry  
**Sent:** Wednesday, March 1, 2023 11:30 AM  
**To:** NYC Law Protest Team <[NYCLawProtestTeam@law.nyc.gov](mailto:NYCLawProtestTeam@law.nyc.gov)>; [PBALitigationTeam@schlamstone.com](mailto:PBALitigationTeam@schlamstone.com); Marykate Acquisto <[macquisto@quinnlawny.com](mailto:macquisto@quinnlawny.com)>; [aquinn@quinnlawny.com](mailto:aquinn@quinnlawny.com); Stephen Mc Quade <[SMcQuade@pittalaw.com](mailto:SMcQuade@pittalaw.com)>; [anthony.coles@dlapiper.com](mailto:anthony.coles@dlapiper.com)  
**Cc:** Payne Litigation Team <[PayneLitigationTeam@nyclu.org](mailto:PayneLitigationTeam@nyclu.org)>  
**Subject:** In re 2020 NYC Policing - Payne Second Amended Complaint

Counsel,

We are writing to seek consent to file the attached proposed Second Amended Complaint in the *Payne* case. The proposed amendments, as you can see in the attached red line, are minimal and will not require additional discovery beyond what we've already sought, so will not pose any special burden on Defendants. For the most part, these amendments involve officers who we believe to be Doe defendants in our case. We notified you of some of these individuals previously in June 2021 (see attached). The line officers we have identified are:

- Sergeant Majer Saleh
- Officer Bryan S. Rozanski
- Office Jakub Tarlecki
- Officer Stephanie Chen
- Officer Taylor Corcoran
- Officer Bryan Pizzimenti
- Officer Hensley Caraballo

In fact, with the exception of Chief Kenneth Lehr (whose deposition will take place in a couple of weeks) and Officer Jakub Tarlecki (who has been noticed but not yet scheduled), all of the officers who are newly named in the proposed

complaint have been deposed. The City has been on notice as to most of these individuals' involvement in the case for quite some time.

We also seek to update the name of our plaintiff, James Lauren, who was previously identified as Jaime Fried. Attached is correspondence with the City advising Defendants of Mx. Lauren's name change in April 2021 in advance of their deposition.

As you can see in the attached, we are also willing to dismiss three current named defendants: Sergeant Gypsy Pichardo, Officer Jacqueline Vargas, and Lt. Thomas Hardell. The updated complaint also reflects the dismissal of Police Commissioner Dermot Shea.

The only reason we would anticipate needing to amend again would be to name additional Doe defendants, so we reserve the right to seek consent to do so if any new information becomes available to us in discovery.

Given how standard and noncontroversial these proposed amendments are, we'd like to avoid incurring unnecessary attorneys' fees seeking leave from the Court, so hope that the City and Union-Intervenors will agree to consent. As you are aware, the City and PBA recently consented to similar non-controversial amendments in the *Gray* case (ECF 761).

Please let us know your position by Thursday, March 9.

Thanks,  
JP

**JP Perry**

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